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APR 27 2004

OFFICE OF PETITIONS

In re Application of :
George A. Zimmerman et al. :
Application No. 10/603,417 : DECISION ON PETITION
Filed: June 24, 2003 : UNDER 37 C.F.R. §1.53(e)
Attorney Docket No. :
SLRFLR.0004P :
Title: METHOD AND APPARATUS FOR :
EQUALIZATION AND CROSSTALK :
MITIGATION :

This is a decision on the "Petition for retraction of notice of omitted items," filed December 15, 2003, which is properly treated as a petition under 37 C.F.R. §1.53(e), requesting the application be accorded a filing date of June 24, 2003 with Figure thirteen considered part of the original disclosure.

The application was deposited on June 24, 2003. However, on November 10, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Nonprovisional Application - Filing Date Granted" (Notice), stating that the application appeared to have been deposited without Figure thirteen.

In response, on December 15, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figure thirteen, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings in 17 sheets" in the United States Patent and Trademark Office (Office) on June 24, 2003. Applicants request that Figure thirteen be accorded a filing date of June 24, 2003.

Upon review of the record, the above-mentioned figure has not been located among the application papers. It is noted that

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sixteen pages of drawings have been located in the electronic file. However, the evidence is convincing that the application papers deposited on June 24, 2003 included seventeen pages of drawings, including Figure thirteen, and the sheet containing this figure was subsequently misplaced in the Office¹.

Therefore, the application, including Figure thirteen, was complete on filing and entitled to a filing date of June 24, 2003.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with;

- a filing date of June 24, 2003,
- using the original application papers filed on that date, as well as Figure thirteen submitted on December 15, 2003, and;
- for indication in Office records that seventeen sheets of drawings, including Figure thirteen, were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ See MPEP 503.

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REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>4/26/2004</u>		2 Serial/Patent # <u>101603,417</u>									
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
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11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Paul Shanowski</u>		TITLE: <u>Senior Attorney</u>									
SIGNATURE: <u><i>Paul Shanowski</i></u>		PHONE: <u>305-0011</u>									
OFFICE: <u>Office of Petitions</u>											
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APPROVED: <u><i>William Kelly</i></u>		DATE: <u>April 28 04</u>									

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